

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-7427**

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BETTY J. MURPHY,

Plaintiff - Appellant,

and

DORIS JACKSON; SUSAN E. LEE,

Plaintiffs,

versus

JANET RENO; KATHLEEN HAWK; JACK MURRAY;  
MARGARET HAMBRICK; HARLEY LAPPIN,

Defendants - Appellees.

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**No. 97-7714**

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BETTY J. MURPHY,

Plaintiff - Appellant,

and

DORIS JACKSON; SUSAN E. LEE,

Plaintiffs,

versus

JANET RENO; KATHLEEN HAWK; JACK MURRAY;  
MARGARET HAMBRICK; HARLEY LAPPIN,

Defendants - Appellees.

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Appeals from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (CA-96-810-5-BR3)

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Submitted: July 2, 1998

Decided: July 20, 1998

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Before NIEMEYER and HAMILTON, Circuit Judges, and HALL, Senior Circuit Judge.

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No. 97-7427 dismissed and No. 97-7714 affirmed by unpublished per curiam opinion.

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Betty J. Murphy, Appellant Pro Se. Michael David Bredenberg, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In appeal No. 97-7427, Betty J. Murphy appeals from the magistrate judge's recommendation to dismiss this civil action based on Murphy's failure to exhaust her administrative remedies. We dismiss the appeal for lack of jurisdiction because the magistrate judge's recommendation is not an appealable order. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (1994), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (1994); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The document here appealed is neither a final order nor an appealable interlocutory or collateral order. We therefore dismiss appeal No. 97-7427 as interlocutory.

In appeal No. 97-7714, Murphy appeals from the district court's order dismissing her civil action. Murphy's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Murphy that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Murphy failed to object to the magistrate judge's recommendation.

The timely filing of objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. Wright v.

Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). See generally Thomas v. Arn, 474 U.S. 140 (1985). Murphy has waived appellate review by failing to file objections after receiving proper notice. Accordingly, in No. 97-7714, we affirm the judgment of the district court.

Because the appeal from the final judgment was consolidated with Murphy's interlocutory appeal and the full record is before the court, Murphy's motion to proceed on the full and complete record of the district court is moot. Because the proffered documents were not before the district court, we deny Murphy's motion and supplemental motion for leave to submit the recent results of her administrative proceedings. Finally, we deny Murphy's motion for copies at government expense. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 97-7427 - DISMISSED

No. 97-7714 - AFFIRMED